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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 5, 2004

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Acting Senator Duncan and Senator Richardson, absent and formally excused by the Chair; and Senators Andreason, Burkett, Cameron, Gannon, Malepeai, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Tiffany Lee, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 4, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Andreason, Burkett, Cameron, McWilliams, Noble, Noh, and Pearce were recorded present at this order of business.

March 5, 2004

The JUDICIARY AND RULES Committee reports that **S 1435**, **S 1436**, **S 1437**, **S 1438**, **S 1439**, **SCR 133**, and **SR 109** have been correctly printed.

DARRINGTON, Chairman

S 1435 was referred to the Commerce and Human Resources Committee.

S 1436 was referred to the Transportation Committee.

S 1437 and **S 1438** were referred to the State Affairs Committee.

S 1439 was referred to the Local Government and Taxation Committee.

SCR 133 and **SR 109** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 4, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1207**, **S 1208**, **S 1209**, and **S 1226** were delivered to the Office of the Governor at 1:30 p.m., March 4, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 4, 2004

The FINANCE Committee reports out **H 768** with the recommendation that it do pass.

CAMERON, Chairman

H 768 was filed for second reading.

March 4, 2004

The EDUCATION Committee reports out **S 1352** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1352 was filed for second reading.

March 4, 2004

The EDUCATION Committee reports out **S 1346** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **S 1346** was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2004

The HEALTH AND WELFARE Committee reports out **S 1292** and **H 627** with the recommendation that they do pass.

BRANDT, Chairman

S 1292 and **H 627** were filed for second reading.

March 4, 2004

The HEALTH AND WELFARE Committee reports out **HCR 51** with the recommendation that it do pass.

BRANDT, Chairman

HCR 51 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 4, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 706**, **S 1391**, **S 1393**, **H 570**, **S 1389**, and **HCR 47** with the recommendation that they do pass.

ANDREASON, Chairman

H 706, **S 1391**, **S 1393**, **H 570**, and **S 1389** were filed for second reading.

HCR 47 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 4, 2004

The STATE AFFAIRS Committee reports out **S 1438** with the recommendation that it do pass.

SORENSEN, Chairman

S 1438 was filed for second reading.

March 5, 2004

The TRANSPORTATION Committee reports out **HJM 15**, **H 604**, as amended, **H 616**, **H 654**, and **H 684** with the recommendation that they do pass.

INGRAM, Chairman

HJM 15 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 604, as amended, **H 616**, **H 654**, and **H 684** were filed for second reading.

March 5, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1439** with the recommendation that it do pass.

BUNDERSON, Chairman

S 1439 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senators Schroeder and Sorensen were recorded present at this order of business.

March 4, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1229, **S 1230**, **S 1253**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Gannon, Malepeai, and Werk were recorded present at this order of business.

March 4, 2004

Mr. President:

I transmit herewith **H 770**, **H 772**, **HJM 18**, **H 682**, **H 609**, as amended, **H 589**, as amended, **HCR 42**, as amended, **H 651**, as amended, **H 726**, as amended, **H 696**, as amended, **H 634**, as amended, **H 636**, as amended, **H 783**, **H 784**, **H 785**, **H 786**, **H 748**, and **HCR 49** which have passed the House.

JUKER, Chief Clerk

H 770, **H 772**, **HJM 18**, **H 682**, **H 609**, as amended, **H 589**, as amended, **HCR 42**, as amended, **H 651**, as amended, **H 726**, as amended, **H 696**, as amended, **H 634**, as amended, **H 636**, as amended, **H 783**, **H 784**, **H 785**, **H 786**, **H 748**, and **HCR 49** were filed for first reading.

March 4, 2004

Mr. President:

I return herewith **S 1278**, **SCR 122**, and **SJM 108** which have passed the House.

JUKER, Chief Clerk

S 1278, SCR 122, and SJM 108 were referred to the Judiciary and Rules Committee for enrolling.

March 4, 2004

Mr. President:

I transmit herewith Enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479, and H 481** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479, and H 481** and ordered them returned to the House.

March 4, 2004

Mr. President:

I return herewith Enrolled **S 1238, S 1265, SCR 123, and SJM 107** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1238** and **S 1265** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 123** and **SJM 107** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 770, by Appropriations Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 772, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

HJM 18, by Agricultural Affairs Committee, was introduced, read at length, and referred to the Agricultural Affairs Committee.

H 682, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 609, as amended, and **H 589**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

HCR 42, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 651, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 726, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 696, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 634, as amended, and **H 636**, as amended, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 783, H 784, H 785, and H 786, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 748, by Education Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 49, by Education Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1289, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1418, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 764, H 766, and H 767, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1407, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 668 and H 519, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 669, H 593, and H 633, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

S 1430, S 1431, S 1432, S 1433, and S 1434, by Finance Committee, were read the second time at length and filed for third reading.

H 502, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1388, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 661, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Sweet called for **HJR 9** to be reported forthwith from the State Affairs Committee, pursuant to Senate Rule 14(E).

Moved by Senator Sorensen, seconded by Senator Schroeder, that the State Affairs Committee be excused from reporting out **HJR 9**. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Schroeder, Keough, and Andreason.

Roll call resulted as follows:

AYES--Andreason, Bailey, Burkett, Calabretta, Gannon, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McWilliams, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 20.

NAYS--Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Geddes, Hill, McKenzie, Noble, Pearce, Sweet, Williams. Total - 13.

Absent and excused--Duncan (Compton), Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared that the motion did prevail and declared that the State Affairs Committee was excused from reporting out **HJR 9**.

S 1363, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McWilliams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Calabretta, Darrington, Gannon, Goedde, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McWilliams, Noh, Schroeder, Sorensen, Stegner, Werk. Total - 20.

NAYS--Burtenshaw, Cameron, Davis, Geddes, Hill, Keough, McKenzie, Noble, Pearce, Sweet, Williams. Total - 11.

Absent and excused--Brandt, Duncan (Compton), Richardson, Stennett. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1363** passed, title was approved, and the bill ordered transmitted to the House.

S 1293 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Duncan (Compton), Richardson, Sweet. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1293** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 5, 2004

Mr. President:

I transmit herewith Enrolled **H 720** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 720** and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1408 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Bailey, Calabretta, Duncan (Compton), Richardson. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1408** passed, title was approved, and the bill ordered transmitted to the House.

S 1379 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Calabretta, Duncan (Compton), McWilliams, Pearce, Richardson. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared **S 1379** passed, title was approved, and the bill ordered transmitted to the House.

S 1394 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Duncan (Compton), Gannon, Richardson. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1394** passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes called Senator Bunderson to the Chair.

S 1409 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Duncan (Compton), Gannon, Richardson. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1409** passed, title was approved, and the bill ordered transmitted to the House.

S 1410 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Duncan (Compton), Richardson. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1410** passed, title was approved, and the bill ordered transmitted to the House.

S 1411 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Duncan (Compton), Richardson. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1411** passed, title was approved, and the bill ordered transmitted to the House.

S 1412 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Duncan (Compton), Richardson. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1412** passed, title was approved, and the bill ordered transmitted to the House.

S 1413 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Duncan (Compton), Richardson. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1413** passed, title was approved, and the bill ordered transmitted to the House.

S 1414 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Duncan (Compton), Richardson. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1414** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by President Pro Tempore Geddes, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 9:30 a.m., Monday, March 8, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary